THE HONOURABLE SRI JUSTICE G. BHAVANI PRASAD

W.P.No.16665 of 2001

Date: 12.07.2006

Between:

Amitha Jamina Rina, W/o M. Ekambaram

…. Petitioner

And

1. Sri Venkateswara University, Tirupathi,
   represented by its Registrar.

2. The Principal, S.V. University (Arts & Science),
   Tirupathi, Chittoor District.

….Respondents

ORDER:

Heard the learned counsel for both parties.

This writ petition has been filed against the proceedings of the first respondent-University dispensing with the service of the writ petitioner, on the ground of legitimate expectation.

This Court granted an interim direction on 10.08.2001 in W.P.M.P.No.20842 of 2001 directing the respondents to continue the writ petitioner in service if she is already in service.

However, it was stated in the counter affidavit of the Registrar of the first respondent-University dated 29.06.2002 that the writ petitioner was never appointed in the University service and that she was appointed only on daily wages as per the contract labour rates fixed by the Labour Commissioner for completion of specific work. He claimed that her service was dispensed with from 31.05.2001 since the assigned work has been completed.

Thus, on facts the writ petitioner can neither be considered to be in University service in any manner nor to be in continuous service nor to be entitled to claim to be a regular employee appointed after following the prescribed procedure for selection even temporarily. How, under the circumstances, she can claim the benefit of doctrine of legitimate expectation or seek continuance on the ground of job security inherent in any right to work is unintelligible. As she was out of her contract employment since 31.05.2001 much prior to the filing of the writ petition and as no constitutional or legal right of the writ petitioner is shown to have been violated and as further she was out of service since then till now, the writ petition cannot be sustained.

Hence, the writ petition is dismissed. No costs.

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G. BHAVANI PRASAD, J

Date: 12.07.2006

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